

RESOLUTION NO. 16-68

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN MAMMOTH LAKES,
STATE OF CALIFORNIA**

- 1. CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR GENERAL PLAN AMENDMENT 15-002 AND ZONING CODE AMENDMENT 15-002 (LAND USE ELEMENT/ZONING CODE AMENDMENT AND MOBILITY ELEMENT UPDATE);**
- 2. ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT;**
- 3. ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS;**
- 4. ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM;
AND**
- 5. APPROVING GENERAL PLAN AMENDMENT 15-002.**

WHEREAS, the Town Council directed staff to prepare an update to the General Plan and Zoning Code (Municipal Code Chapter 17) to change the way density is calculated in the Commercial Zones from a rooms/units limitation to a floor area ratio (FAR) limitation; and

WHEREAS, the Town Council directed staff to include the 2012 Draft Mobility Element in the environmental analysis for the project for the purpose of adoption concurrently with the Floor Area Ratio update; and

WHEREAS, the Town Council has previously adopted Resolution 09-22, adopting policies for the evaluation of projects related to people at one time (PAOT) and impact assessment which recommended a shift from PAOT-based project evaluation to impact-based evaluation and mitigation and to develop Project Impact Evaluation Criteria (PIEC) that allows simple, but precise, summary evaluation of the impacts that are important to the community; and

WHEREAS, the Town Council then adopted Resolution 09-34, adopting the Project Impact Evaluation Criteria Policy Recommendations which included direction to undertake work program items to further implement the Policy Recommendations; and

WHEREAS, the Town Council adopted Resolution 14-61 rescinding the Community Benefits and Incentive Zoning (CBIZ) policy; and

WHEREAS, the Town Council directed staff to update the General Plan and Zoning Code pursuant to Town Council Resolutions 09-22, 09-34, and 14-61; and

WHEREAS, on November 9, 2016, the Planning and Economic Development Commission conducted a duly noticed public hearing and determined General Plan Amendment 15-002, related to Floor Area Ratio (FAR), is consistent with the General Plan and with the applicable provision of the Town of Mammoth Lakes Municipal Code, Chapter 17.72, and, therefore, recommended approval of General Plan Amendment 15-002 to Town Council; and

WHEREAS, the Town Council of the Town of Mammoth Lakes has evaluated potential environmental effects of the proposed Land Use Element/Zoning Code Amendment and Mobility Element Update through the preparation and circulation of a Draft Environmental Impact Report and has considered all comments and responses included in the Final Environmental Impact Report and the associated Mitigation Monitoring and Reporting Program; and

WHEREAS, the Town provided a 45-day public review period for the Draft Environmental Impact Report (DEIR) as required under CEQA Guidelines section 15087(e) and 15105 from June 24, 2016 to August 8, 2016; and

WHEREAS, the Town Council has reviewed the Environmental Impact Report prepared for the project pursuant to the California Environmental Quality Act (CEQA) Guidelines and has found that the Final Environmental Impact Report reflects the Town's independent judgement and analysis, and

WHEREAS, the DEIR was prepared, processed and noticed in accordance with CEQA, the State CEQA Guidelines; and

WHEREAS, the DEIR identified that the Project has potentially significant effects with regards to air quality, public services (recreation), and traffic/transportation that will remain significant despite the implementation of all feasible mitigation measures and a Statement of Overriding Considerations is included for consideration by the Town Council; and

WHEREAS, the Town Council conducted a noticed public hearing on the proposed General Plan and Zoning Code amendments and the associated California Environmental Quality Act documents and actions on December 7, 2016, at which time all those desiring to be heard were heard; and

WHEREAS, the Town Council considered, without limitation:

1. The staff report to the Town Council with exhibits;
2. The General Plan, Municipal Code, and associated Land Use Maps;
3. The Draft and Final Environmental Impact Report;
4. Oral evidence submitted at the hearing; and
5. Written evidence submitted at the hearing.

NOW THEREFORE, BE IT RESOLVED that the Town Council, in its independent judgement, makes the findings set forth below in Section 2 and takes the actions set forth below in Section 3:

Section 1. Recitals. The above recitals are all true and correct.

Section 2. Findings. The Town Council HEREBY FINDS AND DETERMINES based on the information presented herewith:

- a. The change is consistent with the goals, objectives and policies of the General Plan, any applicable specific plan or adopted master plan of development because the Land Use Element and Mobility Element Update ("Project") will allow flexibility in density/intensity of development in the Commercial Land Use Designations while ensuring that impacts to the public are mitigated through the use of PIEC during project evaluations. Additionally, the Project will strengthen the Town's commitment to the "triple bottom line" which is the community's social, economic, and natural capital, and "feet-first" transportation strategies, which emphasizes and prioritizes non-motorized travel first, public transportation second, and vehicle last.
- b. The change is in the interest of or will further the public health, safety, comfort, convenience and welfare because the Project will maintain the existing Urban Growth Boundary (UGB), will provide more flexibility in regards to density calculations in the Commercial Land Use Designations, and will emphasize feet first and greater use of alternate transportation in the town which will reduce vehicle miles traveled (VMT).
- c. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA) because the Town has prepared an Environmental Impact Report that analyzes impacts of the Project and includes mitigation measures to reduce a majority of the environmental impacts to a less than significant level. Environmental impacts that cannot be reduced to a less than significant level are described and findings are made in Exhibit 2 (CEQA Findings of Fact) and Exhibit 3 (Statement of Overriding Considerations).
- d. The proposed amendment does not result in a mandatory element of the General Plan being amended more than four times during any calendar year because this will be the first amendment of the General Plan for 2016 (Government Code Section 65358, Municipal Code Section 17.112.080).

Section 3. Actions. The Town Council hereby takes the following actions:

- a. Adopts the California Environmental Quality Act (CEQA) Findings of Fact in substantially the form attached hereto as Exhibit 1 and certifies the Environmental Impact Report (State Clearinghouse No. 2015052072) (as described in Exhibits 3 and 4 attached hereto); and
- b. Adopts the Statement of Overriding Considerations in substantially the form attached hereto as Exhibit 2.
- c. Adopts the Mitigation Monitoring and Reporting Plan in substantially the form attached hereto as Exhibit 3, and

- d. Adopt the required Municipal Code findings and approves General Plan Amendment 15-001 (Land Use Element and Mobility Element Update) attached hereto as Exhibits 5, 6, and 7.

Section 4. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at Town of Mammoth Lakes, Town Hall, 437 Old Mammoth Rd., Suite R, Mammoth Lakes, CA 93546. The custodian for these records is Town Clerk. This information is provided pursuant to Public Resources Code section 21081.6.

APPROVED AND ADOPTED THIS 7th day of December, 2016.


SHIELDS RICHARDSON, Mayor

ATTEST:

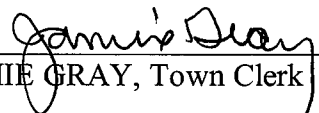

JAMIE GRAY, Town Clerk

EXHIBIT 1

FINDINGS OF FACT PURSUANT TO CEQA GUIDELINES SECTION 15091

SECTION 1: INTRODUCTION.

Findings for the Final Program Environmental Impact Report (EIR), State Clearinghouse Number 2015052072, are being made pursuant to State CEQA Guidelines §15091.

1.1 Statutory Requirements for Findings

The Final EIR consisting of the Draft and Final EIR is consistent with State CEQA Guidelines Section 15132 relative to the contents of the FEIR, including but not limited to a table of contents, summary, the project description, environmental setting, a discussion of the affected environment and environmental consequences, mitigation measures, unavoidable adverse impacts, impacts found not to be significant, cumulative impacts, project alternatives, Draft Mitigation and Monitoring plan, comments and recommendations received on the Draft EIR, and responses to the comments received on the Draft EIR.

Consistent with the requirements of CEQA and the Guidelines, the FEIR for the Town of Mammoth Lakes Land Use Element/Zoning Code Amendment and Mobility Element Update identifies environmental effects in proportion to their severity and probability of occurrence. The FEIR identifies certain potentially significant adverse environmental effects of the project. The FEIR also identifies mitigation measures, which will reduce or eliminate these potentially significant effects. The analysis contained in the FEIR also concludes that after the incorporation of mitigation measures the project would result in a significant and unavoidable impacts in the following areas:

- Air Quality
- Public Services (Recreation)
- Transportation and Traffic

CEQA Guidelines Section 15091 requires specific findings in conjunction with approval of a project that will create one or more significant environmental effects. Specifically:

15091. Findings

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

For the significant direct and cumulative effects identified in the FEIR, the findings are:

Air Quality: The Project includes mitigation measures that will reduce pollutants to comply with state and federal regulations. With the incorporation of the mitigation measures as well as the scope of the Project, development associated with the plan would not be expected to result in air pollution levels that exceed federal standards. However, despite the implementation of the Updated Mobility Element and multiple measures that will reduce town generated emissions, emissions from activities within the community would continue to result in exceedances of the state standard for PM-10. Transport of ozone from the central valley would continue to cause exceedances of the state one-hour standard for ozone. While mitigation is incorporated into the project that substantially lessens the impact and meets federal requirements, no feasible mitigation measures to reduce existing and future PM-10 levels to meet the state standard have been identified.

Public Services (Recreation): The proposed project would result in an increase in population for the town which would increase the demand for parks and recreational services. Existing and proposed park facilities including recent improvements to Whitmore Park, new planned park and recreational facilities, access to other parks and recreational amenities, and funding associated with the DIF program, and Measure R and U, implementation of the Project would satisfy some of the demand for parks and recreational services but would not meet the Level of Service (LOS) goal of 5 acres of parks per 1,000 residents. As the Town is currently below the Level of Service goal of 5 acres of parks per 1,000 residents for developed parkland, and as the Project would further increase demand for parks and recreational facilities and would exacerbate impacts to parks and recreational facilities, impacts to parks and recreation facilities are considered significant and unavoidable.

Transportation and Traffic: Implementation of the recommended mitigation measures would reduce potentially significant LOS impacts at all affected intersections under all Project scenarios. However, if traffic demands do not meet signal warrants such improvements would not be implemented. Because implementation of the mitigation measures are under the jurisdiction of another agency, the approval of which are uncertain, the potentially significant impacts at Main Street intersections would be considered significant and unavoidable.

In making these findings, not all of the rationale and data contained in the FEIR have been repeated. The FEIR and other source documents referenced therein are incorporated herein by reference as if set forth in full in this document. Except to the extent they conflict with the findings and determination set forth in this document, the analysis and conclusions of the FEIR, including responses to comments and any supplemental responses provided by Town of Mammoth Lakes staff and consultants in connection with the proposed project, are hereby adopted as findings by the Town Council of the Town of Mammoth Lakes.

EXHIBIT 2

STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR has identified and discussed significant environmental effects, which will occur as a result of the proposed General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update (Project). With implementation of the Mitigation Measures discussed in the EIR, these effects can be mitigated to levels considered less than significant except for significant, unavoidable impacts in the areas of air quality, recreation, and traffic.

CEQA Section 21081 provides that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one of more significant effects on the environment that would occur if the project were carried out unless the agency makes specific findings with respect to those significant environmental effects. Where a public agency finds that economic, legal, social, technological, or other considerations makes infeasible the mitigation measures or alternatives identified in the EIR, and thereby leave significant unavoidable effects, the public agency must also find that "specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment."

In making this determination, the Lead Agency is guided by CEQA Guidelines Section 15093, which provides as follows:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having considered the unavoidable adverse impacts of the Project, the Town Council hereby determines that all feasible mitigation measures have been adopted to reduce or avoid the potentially significant impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts. Further, the Town Council finds that economic,

social and other considerations of the Project outweigh the unavoidable adverse impacts described previously. In making this finding, the Town Council has balanced the benefits of the proposed Project against its unavoidable environmental impacts and has indicated its willingness to accept those risks.

The following statements are in support of the Town's action based on the EIR and/or other information in the record. The following benefits of the proposed Project outweigh its significant environmental impacts

1. The Land Use Element/Zoning Code Amendments maintain an Urban Growth Boundary (UGB) which ensures that development will be contained within a small urban footprint and development does not encroach into the National Forest lands outside of the UGB. The National Forest lands outside of the UGB are available for recreation by residents and visitors. These areas include amenities such as Mammoth Lakes Basin, Devils Postpile National Monument, Red's Meadow, Inyo National Forest, and the John Muir and Ansel Adams Wilderness Areas. In addition, the MMSA includes ski, snowmobile, hiking, sightseeing and biking opportunities at Mammoth Mountain, Tamarack Cross-Country Ski Center at Twin Lakes, Scenic Gondola Rides, and Snowmobile Adventures. New residents and visitors would be able to utilize the range of recreational areas and parkland that surround the Town.
2. The Land Use Element/Zoning Code Amendments ensure that the carrying capacity of the town is not exceeded by using Project Impact Evaluation Criteria (PIEC) which includes but is not limited to evaluations of air quality, including vehicle miles travelled (VMT); biological resources; cultural resources; geology and soils; hazards; hydrology; land use; noise; public services and utilities, including water demand; and transportation. Use of PIEC is intended to help ensure that growth in the Town would not exceed the carrying capacity of infrastructure or other constraints, such as VMT and water supply, and that the potential for significant environmental impacts will be identified and mitigated to the extent feasible.
3. The Land Use Element/Zoning Code Amendments will allow flexibility in density/intensity in the Commercial Land Use Designations while ensuring that impacts to the public are mitigated through the use of PIEC during project evaluations. The Mobility Element Update would result in a greater use of alternate transportation through the provision of trails, bicycle lanes, and an increase in transit. The increase in intensity coupled with implementation of the Mobility Element Update would emphasize feet first and greater use of alternate transportation in the Town thereby reducing vehicle miles travelled (VMT). Additionally, focusing density within the commercial areas of town will help to create a thriving destination resort community with residential neighborhoods oriented around a series of distinct, connected and vibrant mixed use districts which provide a range of shopping, dining, services, and employment opportunities.
4. The Project will strengthen the Town's commitment to the "triple bottom line", which is the community's social, economic, and natural capital, and "feet-first" transportation strategies,

which emphasizes and prioritizes non-motorized travel first, public transportation second, and vehicle last.

5. The Project creates policies that will significantly improve accessibility throughout the community while reducing dependence on the automobile. The Project would assist in meeting the Town's objective to create a Downtown area in which people park their vehicles once and walk throughout the area thereby reducing congestion and vehicle miles travelled. Reducing vehicle miles travelled reduces emissions of certain criteria pollutants, including CO and NOx, which would help to reduce the proposed Project's air quality impact.
6. The implementation of the Mobility Element Update would meet the objectives of the 2007 General Plan to achieve a progressive and integrated multi-modal transportation system, one that emphasizes "feet first, public transportation second, and car last." In addition, the Mobility Element Update would be consistent with the California Complete Streets Act (AB 1358). AB 1358 requires that municipalities craft a specific network of travel options through an adopted General Plan circulation element. Under AB 1358, the Circulation Element must reflect land use patterns that further support the effectiveness of a multimodal transportation network. The Mobility Element Update would expand upon the Town's adopted Mobility Element, focus on multi-modal transportation, and provide specificity as required under AB 1358. Thus, the adoption of the Mobility Plan Update would engender regional and state confidence with respect to funding. A more secure funding source would further ensure future roadway, pedestrian, and transit improvements. Finally, the Mobility Element Update would result in a complete street network including alternate modes of transportation such as pedestrian, bicycle, trails, and multi-use paths.
7. The combined Land Use Element/Zoning Code Amendments and the Mobility Element Update would implement California Senate Bill 375 (SB 375), which requires that land use and transportation planning be integrated to reduce VMT. Under SB 375, this is achieved through land use patterns that allow alternatives to the automobile, such as proximity of residential uses to jobs, services, and other destinations that accommodate walking and cycling. The Land Use Element/Zoning Code Amendments and the Mobility Element Update would also implement SB 743, which is intended to support residential/mixed-use densification for the purpose of inducing greater pedestrian and other multi-modal activity and, thus, reduce vehicle miles traveled. Given the benefits of the Land Use Element/Zoning Code Amendments and Mobility Element Update in supporting the "feet first" objectives of the General Plan and addressing State legislation to reduce VMT.

For the foregoing reasons, the Town Council approves the Project despite these potentially significant environmental effects, which can be considered "acceptable". (State CEQA Guidelines § 15093.)

EXHIBIT 3

**FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR LAND USE
ELEMENT/ZONING CODE AMENDMENT AND MOBILITY ELEMENT UPDATE,
INCLUDING THE MITIGATION MONITORING AND REPORTING PROGRAM
(SECTION 4.0 OF THE FINAL EIR)**

(SCH No. 2015052072)

DOCUMENT IS AVAILABLE ON THE TOWN WEBSITE HERE:

<http://www.townofmammothlakes.ca.gov/DocumentCenter/View/6338>

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EXHIBIT 4

**DRAFT ENVIRONMENTAL IMPACT REPORT FOR
LAND USE ELEMENT/ZONING CODE AMENDMENT AND MOBILITY ELEMENT
UPDATE**

(SCH No. 2015052072)

DOCUMENT IS AVAILABLE ON THE TOWN WEBSITE HERE:

VOLUME I: DRAFT EIR AND APPENDIX A:

<http://www.townofmammothlakes.ca.gov/DocumentCenter/View/6088>

VOLUME II: APPENDIX B THROUGH APPENDIX F:

<http://www.townofmammothlakes.ca.gov/DocumentCenter/View/6089>

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EXHIBIT 5 PROPOSED REVISIONS TO THE GENERAL PLAN¹

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L.1.A. Policy: ~~Limit total peak population of permanent and seasonal residents and visitors to 52,000 people.~~ Utilize Project Impact Evaluation Criteria (PIEC) to evaluate the relationship between growth, density, and population to ensure the balance of economic, social, and environmental factors so as to ensure that development does not exceed the carrying capacity of the Town.

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L.3.F. Policy: ~~Ensure appropriate community benefits are provided through district planning and development projects.~~

L.3.F.1. Action: ~~Study the experiences of other communities in finding fair and equitable standards and formulas for gaining community benefits.~~

L.3.F.2. Action: ~~Develop formula-based methods and standards for community benefits applicable to projects of a certain size.~~

L.3.F.3. Action: ~~Develop and maintain a list of uses, facilities, infrastructure, programs and services for use as community benefits.~~

L.3.F.4. Action: ~~Develop size, space and program characteristics and criteria for uses and facilities deemed as community benefits.~~

L.3.H. Policy: ~~Density may be clustered or transferred within clearly articulated district, master and, specific plans to enhance General Plan goals and policies. Development rights may also be transferred between districts when that transfer furthers protection of identified environmentally sensitive areas.~~

L.3.H.1. Action: ~~Prepare a transfer of development rights ordinance describing the methods and findings for approving such density transfers.~~

L.5.G. Policy: ~~In the C-1 and C-2 Designations, density may be increased to no more than twice the density for hotel, motel, and similar transient lodging projects that specifically enhance the tourism, community, and environmental objectives of the Town. This enhancement must be through the provision of amenities, services, and/or environmental benefits above and beyond those required to meet the incremental demands of the project. These amenities, services, and environmental benefits include, but are not limited to those listed under "Community Character" on page 24 of this General Plan. Any such increase shall further the Community Vision, shall be consistent with the discussion of "Build-out" on page 37 of this General Plan, shall be consistent with approved District Plans, and shall be subject to such rules, processes, and findings~~

¹ Strikethrough/underline is used to show the deleted and new text. The text shown in ~~strikethrough~~ is text to be deleted and the text shown in underline is new text.

as may be adopted by the Town Council in its sole discretion. The Town shall review and adjust, as needed, the General Plan's buildout calculations every five years. If construction of significant commercial/lodging/residential products has not occurred within the five year period, a summary of construction shall be prepared and included in the General Plan files but a detailed buildout analysis shall not be required.

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Commercial 1 (C-1) The C-1 designation allows medium-scale, commercial mixed uses. ~~The base density for residential is six (6) to a maximum of twelve (12) residential dwelling units per acre and a maximum of forty (40) hotel rooms per acre. The maximum floor area ratio is 2.0.~~ This designation is located along Main Street between the North Village district and Mono Street, and is intended to create a transition zone to the more intensive Commercial 2 and North Village designation. ~~A minimum floor area ratios and amount of commercial uses will be established in the Zoning Code.~~

Commercial 2 (C-2) This designation allows for the community's medium- and large-scale commercial uses. ~~The base density for residential is six (6) to a maximum of twelve (12) residential dwelling units per acre and a maximum of forty (40) hotel rooms per acre. The maximum floor area ratio is 2.0.~~ Intended uses include retail and office space for services as well as visitor lodging and residential uses. ~~A minimum floor area ratio and amount of commercial uses will be established in the Zoning Code.~~

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~~Determining a reasonable build-out forecast for the 20-year planning period of the General Plan is challenging. Although many different approaches can be used to make projections, any forecast must acknowledge that because of changing demographics, market and economic conditions, numbers will be constantly changing.~~

~~The build-out population for the General Plan was established by preparing a recreational trend forecast, a demographic and economic trend forecast and a land use capacity analysis. The recreation trend forecast looked at recreational visitor trends that support factors for growth using a ratio of visitation to project a future population. The demographic and economic trend forecast, based on the University of California at Santa Barbara (UCSB) Economic Forecast Project, did the same relative to economic and population trends. The land use capacity analysis assessed the number of units and population that could be developed through certain land use designations and development assumptions.~~

~~The assumptions of the three models support the projection that the total number of residents, visitors and workers on a winter weekend will grow to between 45,000 to 52,000 by the year 2025. Based on these analyses, the General Plan establishes a policy of a total peak population of residents, visitors and employees at 52,000 people. Ultimately, these land use designations could result in a build-out population over 52,000 but less than 60,000 if all land were built to capacity.~~

~~The following paragraphs describe how build-out will be limited to 52,000 people.~~

~~Maintaining build-out population will be achieved through implementation of the General Plan goals and policies. First: district planning will be conducted to establish project context, program and characteristics. Second: project-related impacts will be evaluated and mitigated to maintain acceptable Levels of Service and population policies through the California Environmental Quality Act (CEQA) or other analysis. Third: project-related market, economic and fiscal impacts will be evaluated as needed. Next, the functional and aesthetic qualities of site and architectural design will be evaluated through the discretionary review process. Because of superseding development regulations, site conditions, design review and market conditions, not all sites will be able to meet these standards at maximum density and overall density will be reduced.~~

~~Designation of a site for a certain use does not necessarily mean that the site will be developed with the designated use and density within the horizon of the General Plan. Similarly, sites that are not anticipated to be developed may actually be used. For the purposes of calculating land use capacity, the following assumptions are used:~~

- ~~• Population is described as People at One Time (PAOT) and includes residents and visitors. PAOT is used as a measurement because of the large visitor population in the town of Mammoth Lakes at any given time~~
- ~~• Peak population is described for approximately the seventh busiest winter day, which is the Town's typical winter Saturday~~
- ~~• Development on individual parcels will be controlled by lot coverage limits, building height restrictions, floor area ratio limits, and implementation of community benefit and performance standards and policies in the various master and specific plans~~
- ~~• The capacity of the ski area will remain constant over the next twenty years~~

- ~~The number of people engaged in activities other than skiing will increase as the town matures from 25% to between 35% and 45%~~
- ~~Permanent population will grow at a rate of between 1.4% and 2.4% per year~~
- ~~Permanent resident units accommodate 2.4 people per unit on average and all other units accommodate 4 people per unit on an average winter Saturday (These household size and occupancy assumptions are based on past utilization and are simply used to calculate potential build-out. They do not constitute policy.)~~
- ~~Most commercial development will take place in the Resort, North Village, and Commercial 1 and 2 designations. The total amount of commercial development at build-out is anticipated to be 1,265,000 square feet~~

~~Industrial development will be limited primarily to the "Industrial" designation; although, there will be a small amount in other designations. The total amount of industrial development at build-out is anticipated to be approximately 500,000 square feet~~

Build Out

The Land Use Element of the General Plan establishes the location and intensity of planned land uses. Buildout, as described in this General Plan, refers to the maximum number of potential residential units and maximum amount of commercial, industrial, and non-residential square footage within the Town's municipal boundary. The General Plan buildout provides a framework for the future growth of the Town of Mammoth Lakes. While the buildout projection identifies areas for potential growth and development, it is not expected that the full buildout will be reached in the 20-year horizon of the General Plan.

The buildout shapes how the town will look and feel and guides municipal infrastructure and facility needs. The buildout also informs the Town's Capital Improvement Plan (CIP) that delineates the location and improvements associated with each public facility. CIPs are prepared based on the buildout information and are updated over time to reflect changing community conditions. The Development Impact Fee program is based on the Capital Improvement Plan and the anticipated future infrastructure and facility needs. Development Impact Fees fund only physical improvements and the General Fund finances operations and maintenance. Additionally, buildout projections are used by other partner agencies like the Mammoth Community Water District to inform their future planning of infrastructure and facilities.

The General Plan buildout captures significant population fluctuations caused by the seasonality of the Town's economy. Planning for facilities and infrastructure requires an understanding of these population fluctuations, as demand for some services are created by the permanent population and other demands are created by peak populations, which include permanent and visitor populations. For example, planning for facilities such as libraries, schools, and parks is based on the buildout of the permanent population. Utility planning (for water, sewer, etc.) is based on service usage during peak periods. Air quality limitations (measured in part by Vehicle Miles Traveled (VMT)) are also based on usage on the Town's Design Day which is the 7th busiest winter Saturday.

In the past, the Town used People at One Time (PAOT) as the metric for calculating buildout. After the General Plan was approved in 2007 using PAOT to calculate buildout, the Town Council reviewed PAOT and in 2009 adopted Resolution No. 09-22 which approved a shift away from PAOT-based project evaluation to impact based evaluation and mitigation, reflecting and

including the following: The impacts in the 2007 General Plan FEIR Alternative 3: Reduced Development Alternative corresponding to 52,000 PAOT should be used as benchmarks and standards in evaluating projects and planning documents to acceptable impact levels. Additionally, in June of 2009 the Town Council adopted Resolution No. 09-34 which further emphasized the shift away from PAOT and recommended that the General Plan policy setting the peak population at 52,000 be amended to reflect the shift from PAOT to PIEC. The current buildout calculation reflects this shift away from counting people. The buildout presented here is based on residential and lodging units and commercial square footage which is a common practice in California to calculate General Plan buildout.

Although many different approaches can be used to make buildout projections, any forecast must acknowledge that because of changing demographics, market and economic conditions, numbers will be constantly changing. As a part of the update process in 2016, Town staff worked to make the buildout calculation as clear as possible using objective assumptions, with the goal that the buildout will be easily replicated in the future. Information from the Department of Finance, the Town's Development Impact Fee Population Analysis (July 2015), and the Town's GIS system, has been used to prepare the buildout projection.

Land Use Designation/Proposed Maximum DU/AC and FAR	Total Land Area (acres) ¹	Vacant Land Area (acres) ¹	Existing		Existing Commercial and Industrial (sq ft) ³	Assumed Density and Intensity for Future Development ⁴	New Future Units ^{2, 5}	New Commercial and Industrial (sq ft) ³	Total Units at Buildout ⁵	Total Population at Buildout ⁶	Total Commercial and Industrial (sq ft) at Buildout ³
			Buildout Projections								
RESIDENTIAL											
Low-Density Residential 1 (LDR-1) - 2 DU/AC	208	61	287	-	-	2 DU/AC	122	N/A	409	1,419	N/A
Low-Density Residential 2 (LDR-2) - 4 DU/AC	384	69	1,569	-	-	4 DU/AC	276	N/A	1,845	6,402	N/A
High-Density Residential 1 (HDR-1) - 6-12 DU/AC	112	36	692	-	-	12 DU/AC	604	N/A	1,296	4,497	N/A
High-Density Residential 2 (HDR-2) - 6-12 DU/AC, 36 rooms/AC	263	12	3,886	-	-	12 DU/AC	144	N/A	4,030	13,984	N/A
Resort (R) - 6-8 DU/AC, 12-16 rooms/AC ¹²	554	292	1,719	65,175	-	N/A	1,943	305,675	3,662	12,707	370,850
COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL PUBLIC											
Commercial 1 (C-1) - 0.75 - 2.0 FAR ¹⁴	32	2	226	24,984	-	2.0 FAR	180	1,857	406	1,409	26,841
Commercial 2 (C-2) - 0.75 - 2.0 FAR ¹⁴	90	8	559	1,021,994	-	2.0 FAR	659	339,520	1,218	4,226	1,361,514
Industrial (I) ^{9,10}	68	68	2	296,941	-	N/A	-	196,606	2	2	493,547
Institutional Public (IP) ¹¹	218	30	36	-	-	4 DU/AC	193	N/A	229	795	N/A
SPECIFIC PLAN											
Clearwater Specific Plan (CSP) - 80 rooms/AC ⁷	6	N/A	74	11,948	-	80 rooms/AC	170	41,500	244	845	41,500
North Village Specific Plan (NVSP) ^{7,13}	57	29	599	131,033	-	1,359	1,359	3,967	1,958	6,794	135,000
OTHER											
Airport (A)	192	N/A	N/A	7,250	-	N/A	N/A	40,000	N/A	N/A	40,000
Open Space (OS)	317	N/A	N/A	N/A	-	N/A	N/A	N/A	N/A	N/A	N/A
National Forest (NF)	12,837	N/A	259	350,234	-	N/A	N/A	N/A	259	899	N/A
TOTAL	15,337	607	9,908	1,909,559	-	N/A	5,650	889,125	15,558	53,980	2,469,252

Footnotes:

1. Acres are given as adjusted gross acreages rounded to the nearest acre, which do not include right-of-ways.
2. Consistent with Zoning Code Section 17.32.110.C.7 a hotel room is considered one-half of a unit.
3. Includes all non-residential uses including post office, office uses, day care, retail, industrial, etc.
4. Residential density is expressed as dwelling units per acre and commercial intensity is expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
5. Includes 172 units within the HDR-1 land use designation achieved through a Town or State density bonus.
6. The total population number includes all residents/visitors in town with 100 percent occupancy. The vacancy rate fluctuates in town between a year-round vacancy rate of 72% to a seasonal vacancy rate of 10% (Tishler Bise DIF Report 2015). Assuming the seasonal vacancy rate the maximum population in town at buildout would be 48,582.
7. The total number of units and square footage of retail and nonretail uses for Specific Plans were taken directly from the approved land use plans associated with each Specific Plan document.
8. Estimates of population by residential designation are based on an average of 3.47 people per unit which is consistent with the 2007 General Plan.
9. The Industrial Zone includes two caretakers units that are limited to only one person per unit as the caretaker of the property.
10. Assumptions for buildout of the Industrial Land Use Designation are consistent with the 2007 General Plan.
11. The General Plan permits housing accessory to the college within the IP land use designation at a density of 4 units per acre. The Kern Community College District/Mammoth Lakes Foundation owns a total of 229 acres of land and has constructed 36 units of student housing.
12. Density is based on approved Master Plans.

13. Commercial density in the North Village Specific Plan is limited to 135,000 square feet. The NVSP also includes an allowance for up to 3,317 rooms of density which can be converted to commercial square footage at a rate of 1 room per 450 square feet of commercial area. It is likely that the commercial square footage in the Village will exceed 135,000 but the increase in commercial square footage would result in a decrease in rooms.
14. Vacant land within the C1 and C2 land use designations includes frontage road area of 2.6 acres total (0.9 acres within the C1 and 1.7 acres within the C2).

Appendix A: Action Table

~~L.3.F.1. Action: Study the experiences of other communities in finding fair and equitable standards and formulas for gaining community benefits.~~

~~L.3.F.2. Action: Develop formula-based methods and standards for community benefits applicable to projects of a certain size.~~

~~L.3.F.3. Action: Develop and maintain a list of uses, facilities, infrastructure, programs and services for use as community benefits.~~

~~L.3.F.4. Action: Develop size, space and program characteristics and criteria for uses and facilities deemed as community benefits.~~

~~L.3.H.1. Action: Prepare a transfer of development rights ordinance describing the methods and findings for approving such density transfers.~~

Appendix E: Useful Terms for Understanding the General Plan

- **Community Benefit**

A community benefit as used in this plan is a project component(s) that enhances the tourism, community, or environmental objectives of the Town through the provision of amenities, services, or environmental benefits above and beyond those required to meet the incremental demand of the project itself. These amenities, services, and environmental benefits include, but are not limited to those listed under Community Character on page 24 of this General Plan.

- **Floor Area.** The total horizontal enclosed area of all the floors below the roof and within the outer surface of the walls of a building or other enclosed structure unless otherwise stipulated.

The following is included in Floor Area: Floor area includes, but is not limited to, all habitable space (as defined in the California Building Standards Code) that is below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or portions thereof or within lines drawn parallel to and two feet within the roof line of any building without walls. In the case of a multi-story building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.

The following is excluded from Floor Area: Floor area does not include mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's gross floor area; bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater; areas that qualify as usable open space; and areas used for off-street parking spaces or loading spaces, driveways, ramps between floors of a multi-level parking garage, and maneuvering aisles that are located below the finish grade of the property.

For Non-Residential Uses: For non-residential uses, gross floor area includes interior walkways or corridors, interior courtyards, and walkways, paseos, or corridors covered by a roof or skylight. Non-residential gross floor area does not include arcades, porticoes, and similar open areas that are located at or near street level and are

accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.

- Floor Area Ratio (FAR). The ratio of floor area of a building or buildings on a lot divided by the total lot area. Floor area located below finished grade, the ceiling of which does not extend more than five feet above finished grade, is excluded when calculating FAR.

- ~~People-at One Time (PAOT)~~

~~Used in this General Plan as an estimate of the number of people — permanent residents, second homeowners, and visitors — residing (lodging) in the town on an average winter Saturday night.~~

EXHIBIT 6

**PROPOSED REVISIONS TO THE GENERAL PLAN LAND USE DIAGRAM
(FIGURE 5 OF THE GENERAL PLAN)**

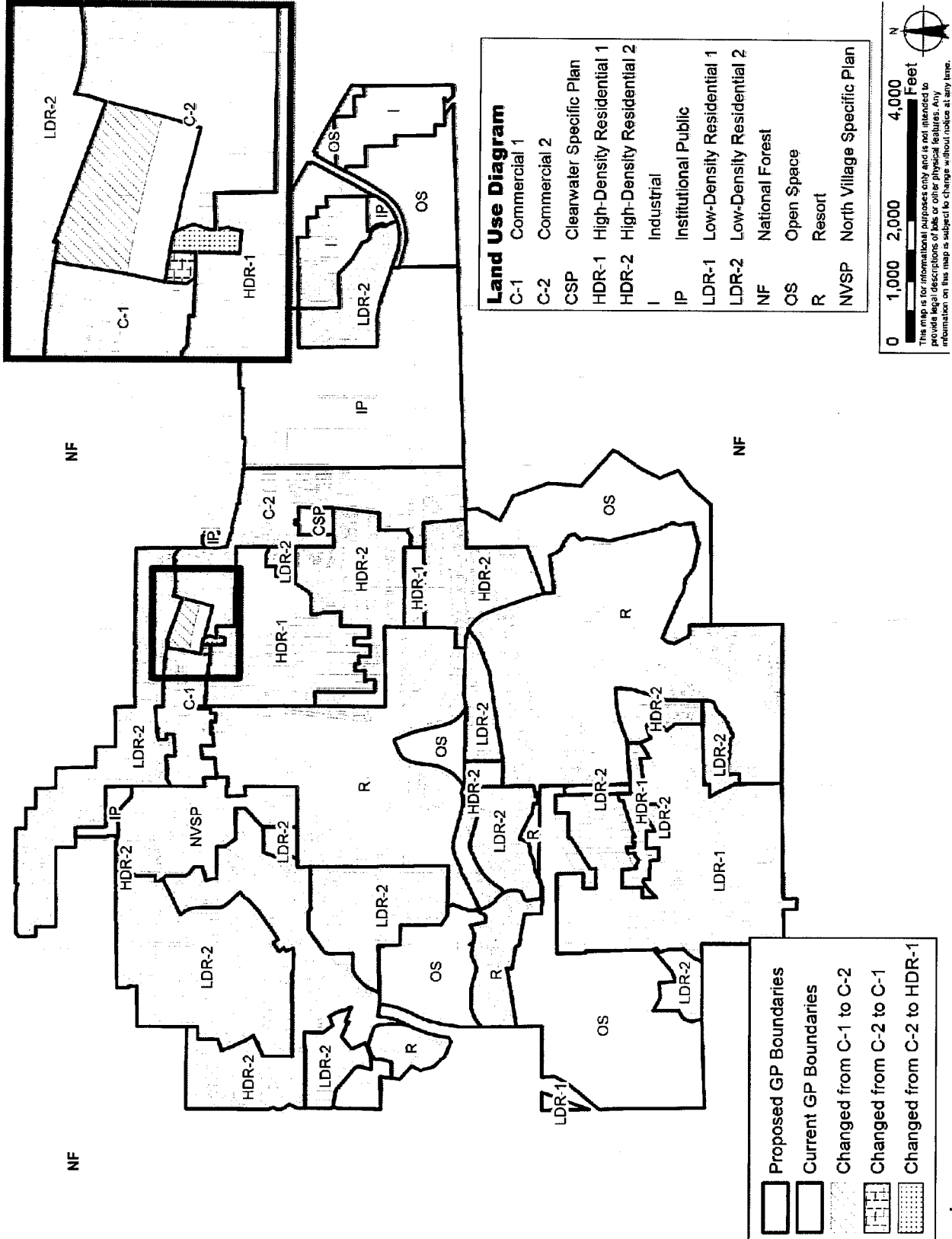


FIGURE 2-4

Proposed Revisions to the Land Use Diagram

Land Use Element/Zoning Code Amendment and Mobility Element Update

Source: Town of Mammoth Lakes, 2014.

EXHIBIT 7

DRAFT GENERAL PLAN MOBILITY ELEMENT

DOCUMENT IS AVAILABLE ON THE TOWN WEBSITE HERE:

<http://www.townofmammothlakes.ca.gov/DocumentCenter/View/5928>

STATE OF CALIFORNIA)
COUNTY OF MONO)
TOWN OF MAMMOTH LAKES) ss.

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 16-68 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 7th day of December, 2016, by the following vote:

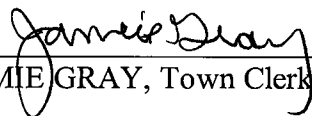
AYES: Councilmember Fernie, Hoff, and Mayor Pro Tem Wentworth

NOES: None

ABSENT: Councilmember Sauser and Mayor Richardson

ABSTAIN: None

DISQUALIFICATION: None



JAMIE GRAY, Town Clerk